UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

UNITED STATES OF AMERICA)	
Plaintiff,)	
V.)	No. 3:21-MJ-01094-DCP
MUNTANA GRAHAM)	110. 3.21 113 0107 1 201
Defendant.)	

ORDER

This case is before the Court on the United States' Motion to Dismiss Complaint as to Defendant Graham [Doc. 20], filed on August 10, 2021. *See* 28 U.S.C. § 636(b). The undersigned signed a criminal complaint [Doc. 1] and issued an arrest warrant for Muntana Graham on July 9, 2021. Defendant Graham appeared before the undersigned on July 9, 2021, for an initial appearance in the Eastern District of Tennessee. The Government now asks the Court to dismiss the criminal complaint without prejudice, pursuant to Federal Rule of Criminal Procedure 48(a). [Doc.20].

Rule 48(a) of the Federal Rules of Criminal Procedure allows the government, with leave of the Court, "to dismiss an indictment, information, or complaint", so long as such "request for dismissal is not during trial without defendant's consent." *See* Fed. R. Crim P. 48(a). Defendant Graham is not the subject of an indictment and the request is not during trial without defendant's consent. Accordingly, the Court finds the Motion is well-taken, and it [Doc. 20] is GRANTED.

The Court **ORDERS** as follows:

(1) The Government's Motion to Dismiss Complaint as to Defendant Graham [Doc. 20] is GRANTED;

- (2) The criminal complaint against Defendant Graham [Doc. 1] is **DISMISSED**, without prejudice to refile;
- (3) The Court **ORDERS** that Defendant Muntana Graham be **RELEASED** from federal custody this **10th day of August**, **2021**; and
- (4) The Clerk of the Court is **DIRECTED** to provide a copy of this Order to the United States Marshals Service.

IT IS SO ORDERED.

ENTER:

Debra C. Poplin

United States Magistrate Judge

¹ The Court does not dismiss the Criminal Complaint as to Defendant Kevin Rodas.